

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8432 of 1996

MAFATLAL FINE SPG. & WVG. CO LTD

Versus

UNION OF INDIA

Appearance:

M/S TRIVEDI & GUPTA for Petitioners
Mr.Ketan Dave with Mr.H.M.Mehta
Sr.Counsel for Respondents.

CORAM : MR.JUSTICE S.M.SONI and
MR.JUSTICE S.D.PANDIT

Date of decision: 10/12/96

ORAL ORDER(Per:Soni.J)

Leave to amend the cause title and join the
Commissioner of Central Excise (Appeals) Mumbai as
respondent no.3.

2. This petition is filed for a direction to decide
the stay application, pending hearing and final disposal
of the appeal filed against the order dated 23.10.96.
and also challenging the order passed by the Assistant
Commissioner Central Excise, Division no.4, Surat. The
petitioner has already paid an amount of Rs.23,02,048.86
p. as part of the demand . The petitioner has also
asked for stay of the further proceedings of the impugned
order. Said application for stay is not decided. By the
said stay application the appellant wants to stay the
operation of the impugned order and/or demand of the duty
levied under that order and also dispensation of
requirement of pre-deposit of the amount ordered to be
paid.

3. In view of the fact that the part payment is
already made and in view of the fact that the stay
application has not been decided till date, we direct the
respondent no.3 to hear the appellant and decide the said

stay application in accordance with law within 8 weeks from the date of receipt of the writ of this court. In the meantime the department shall not proceed further with coercive measures to recover the amount assessed. In view of these directions the petition stands disposed of. Interim relief granted earlier stands vacated. Notice discharged. No order as to costs.

(S.M.Soni.J)

(S.D.Pandit.J)